

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 16

SENATE BILL 1134

AN ACT

CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, TO "NATUROPATHIC PHYSICIANS MEDICAL BOARD"; AMENDING SECTIONS 32-1501, 32-1502, 32-1505, 32-1507, 32-1522.01, 32-1523, 32-1525, 32-1555, 32-1556, 32-1581, 32-4204, 32-4205, 41-1092 AND 41-3015.04, ARIZONA REVISED STATUTES; RELATING TO THE NATUROPATHIC PHYSICIANS MEDICAL BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 32, chapter 14, article 1, Arizona Revised
4 Statutes, is changed from "NATUROPATHIC PHYSICIANS BOARD OF MEDICAL
5 EXAMINERS" to "NATUROPATHIC PHYSICIANS MEDICAL BOARD".

6 Sec. 2. Section 32-1501, Arizona Revised Statutes, is amended to read:
7 32-1501. Definitions

8 In this chapter, unless the context otherwise requires:

9 1. "Accepted therapeutic purpose" means treatment of a disease,
10 injury, ailment or infirmity that is competent and generally recognized as
11 safe and effective.

12 2. "Active license" means a current valid license to practice
13 naturopathic medicine.

14 3. "Adequate medical records" means LEGIBLE medical records
15 containing, AT A MINIMUM, sufficient information to identify the patient,
16 SUPPORT the diagnosis, and DESCRIBE the treatment, prescribed ACCURATELY
17 DOCUMENT THE RESULTS, INDICATE ADVICE AND CAUTIONARY WARNING PROVIDED TO THE
18 PATIENT AND PROVIDE SUFFICIENT INFORMATION FOR A SIMILARLY QUALIFIED
19 PRACTITIONER TO ASSUME CONTINUITY OF THE PATIENT'S CARE AT ANY POINT IN THE
20 COURSE OF TREATMENT.

21 4. "Approved clinical training program" or "clinical training program"
22 means a program for naturopathic medical students in which the training
23 occurred or is being conducted by or in conjunction with an approved school
24 of naturopathic medicine.

25 5. "Approved internship program" or "internship" means that the
26 program in which the training occurred or is being conducted has been
27 approved for internship training for physicians or for graduates of a school
28 of naturopathic medicine by the board or was approved or accredited by an
29 educational or professional association recognized by the board or by another
30 state's or country's licensing agency recognized by the board.

31 6. "Approved postdoctoral training" or "postdoctoral training" means
32 that the program in which the training occurred or is being conducted has
33 been approved for specialty training or for graduate medical education in
34 naturopathic medicine by the board or approved or accredited by an
35 educational or professional association recognized by the board or by another
36 state's or country's licensing agency recognized by the board.

37 7. "Approved preceptorship program" or "preceptorship" means that the
38 program in which the training occurred or is being conducted has been
39 approved for preceptorship training for physicians or for graduates of a
40 school of naturopathic medicine by the board or was approved or accredited by
41 an educational or professional association recognized by the board or by
42 another state's or country's licensing agency recognized by the board.

43 8. "Approved school of naturopathic medicine" or "school of
44 naturopathic medicine" means a school or college determined by the board to
45 have an educational program that meets standards prescribed by the council on

1 naturopathic medical education, or its successor agency, and that offers a
2 course of study that, on successful completion, results in the awarding of
3 the degree of doctor of naturopathic medicine and whose course of study is
4 either of the following:

5 (a) Accredited or a candidate for accreditation by an accrediting
6 agency recognized by the United States secretary of education as a
7 specialized accrediting agency for schools of naturopathic medicine or its
8 successor.

9 (b) Accredited or a candidate for accreditation by an accrediting
10 agency recognized by the council for higher education accreditation or its
11 successor.

12 9. "Board" means the naturopathic physicians MEDICAL board of ~~medical~~
13 ~~examiners~~.

14 10. "Chelation therapy" means an experimental medical therapy to
15 restore cellular homeostasis through the use of intravenous, metal-binding
16 and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation
17 therapy does not include experimental therapy used to treat heavy metal
18 poisoning.

19 11. "Completed application" means that the applicant paid the required
20 fees and supplied all documents and information as requested by the board and
21 in a manner acceptable to the board.

22 12. "Controlled substance" means a drug, substance or immediate
23 precursor in schedules I through V of title 36, chapter 27, article 2.

24 13. "Direct supervision" means that a physician who is licensed
25 pursuant to this chapter or chapter 13, 17 or 29 of this title:

26 (a) Is physically present and within sight or sound of the person
27 supervised and is available for consultation regarding procedures that the
28 physician has authorized and for which the physician remains responsible.

29 (b) Has designated a person licensed pursuant to this chapter or
30 chapter 13, 17 or 29 of this title to provide direct supervision in the
31 physician's absence.

32 14. "Doctor of naturopathic medicine" or "doctor" means a natural
33 person licensed to practice naturopathic medicine under this chapter.

34 15. "Drug" has the same meaning prescribed in section 32-1901 but does
35 not include:

36 (a) Intravenous administration of legend drugs, except for:

37 (i) Vitamins, chelation therapy and drugs used in emergency
38 resuscitation and stabilization.

39 (ii) Minerals.

40 (b) Controlled substances listed as schedule I or II controlled
41 substances as defined in the federal controlled substances act of 1970 (21
42 United States Code section 802), except morphine and any homeopathic
43 preparations that are also controlled substances.

44 (c) Cancer chemotherapeutics classified as legend drugs.

45 (d) Antipsychotics.

1 16. "General supervision" means that the physician is available for
2 consultation regarding procedures that the physician has authorized and for
3 which the physician remains responsible.

4 17. "Legend drug" means any drug defined by section 503(b) of the
5 federal food, drug and cosmetic act and under which definition its label is
6 required to bear the statement "Rx only".

7 18. "Letter of concern" means a nondisciplinary advisory letter that is
8 issued by the board to a person who is regulated under this chapter and that
9 states that while there is insufficient evidence to support disciplinary
10 action the board believes that the person should modify or eliminate certain
11 practices and that continuation of the activities that led to the information
12 being submitted to the board may result in action against the person's
13 license, certificate or registration.

14 19. "Letter of reprimand" means a disciplinary letter that is issued by
15 the board and that informs a person who is regulated under this chapter that
16 the person's conduct violates state or federal law but does not require the
17 board to restrict the person's license, certificate or registration because
18 the person's conduct did not result in harm to a patient or to the public.

19 20. "Limit" means taking a nondisciplinary action that alters the
20 physician's practice or professional activities if the board determines that
21 there is evidence that the physician is or may be mentally or physically
22 unable to safely engage in the practice of medicine.

23 21. "Medical assistant" or "naturopathic medical assistant" means a
24 person who is certified by the board as a medical assistant, who assists a
25 doctor of naturopathic medicine and who may perform delegated procedures that
26 are commensurate with the assistant's education and training under the direct
27 supervision of a doctor of naturopathic medicine and that do not include
28 diagnosing, designing or modifying established treatment programs or those
29 procedures prohibited by the board or by this chapter.

30 22. "Medically incompetent" means a person who is licensed, certified
31 or registered pursuant to this chapter and who lacks sufficient naturopathic
32 medical knowledge or skills, or both, to a degree that is likely to endanger
33 the health of patients.

34 23. "NATURAL SUBSTANCE" MEANS A HOMEOPATHIC, BOTANICAL, NUTRITIONAL OR
35 OTHER SUPPLEMENT THAT DOES NOT REQUIRE A PRESCRIPTION PURSUANT TO FEDERAL LAW
36 BEFORE IT IS PRESCRIBED, DISPENSED OR OTHERWISE FURNISHED TO A PATIENT AND
37 THAT IS PRESCRIBED BY A PHYSICIAN LICENSED PURSUANT TO THIS CHAPTER TO
38 ENHANCE HEALTH, PREVENT DISEASE OR TREAT A MEDICAL CONDITION DIAGNOSED BY THE
39 PHYSICIAN.

40 ~~23.~~ 24. "Naturopathic medical student" means a person who is enrolled
41 in a course of study at an approved school of naturopathic medicine.

42 ~~24.~~ 25. "Naturopathic medicine" means medicine as taught in approved
43 schools of naturopathic medicine and in clinical, internship, preceptorship
44 and postdoctoral training programs approved by the board and practiced by a

1 recipient of a degree of doctor of naturopathic medicine licensed pursuant to
2 this chapter.

3 ~~25-~~ 26. "Nurse" means a person licensed pursuant to chapter 15 of this
4 title.

5 ~~26-~~ 27. "Physician" means a doctor of naturopathic medicine licensed
6 pursuant to this chapter.

7 ~~27-~~ 28. "Practice of naturopathic medicine" means a medical system of
8 diagnosing and treating diseases, injuries, ailments, infirmities and other
9 conditions of the human mind and body including by natural means, drugless
10 methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic
11 and sanitary measures and all forms of physical agents and modalities.

12 ~~28-~~ 29. "Restrict" means taking a disciplinary action that alters the
13 physician's practice or professional activities if the board determines that
14 there is evidence that the physician is or may be medically incompetent or
15 guilty of unprofessional conduct.

16 ~~29-~~ 30. "Specialist" means a physician who has successfully completed
17 approved postdoctoral training, who is certified by a specialty board of
18 examiners recognized by the board and who is certified by the board to
19 practice the specialty pursuant to this chapter.

20 ~~30-~~ 31. "Unprofessional conduct" includes the following, whether
21 occurring in this state or elsewhere:

22 (a) Intentionally disclosing a professional secret or intentionally
23 disclosing a privileged communication except as either of these may otherwise
24 be required by law.

25 (b) Any dishonorable conduct reflecting unfavorably on the profession.

26 (c) Committing a felony, whether or not involving moral turpitude, or
27 a misdemeanor involving moral turpitude. In either case conviction by any
28 court of competent jurisdiction or a plea of no contest is conclusive
29 evidence of the commission of the felony or misdemeanor.

30 (d) Habitual intemperance in the use of alcohol or any substance
31 abuse.

32 (e) The illegal use of any narcotic or hypnotic drugs, or illegal
33 substances.

34 (f) Conduct that the board determines is gross malpractice, repeated
35 malpractice or any malpractice resulting in the death of a patient.

36 (g) Impersonating another doctor of naturopathic medicine or any other
37 practitioner of the healing arts.

38 (h) Falsely acting or assuming to act as a member, an employee or an
39 authorized agent of the board.

40 (i) Procuring or attempting to procure a license or a certificate
41 pursuant to this chapter by fraud, by misrepresentation or by knowingly
42 taking advantage of the mistake of another person or agency.

43 (j) Having professional connection with or lending one's name to
44 enhance or continue the activities of an illegal physician or an illegal
45 practitioner of any healing art.

1 (k) Representing that a manifestly incurable disease, injury, ailment
2 or infirmity can be permanently cured, or falsely or fraudulently
3 representing that a curable disease, injury, ailment or infirmity can be
4 cured within a stated time.

5 (l) Offering, undertaking or agreeing to cure or treat a disease,
6 injury, ailment or infirmity by a secret means, method, treatment, medicine,
7 substance, device or instrumentality.

8 (m) Refusing to divulge to the board on demand the means, method,
9 treatment, medicine, substance, device or instrumentality used in the
10 treatment of a disease, injury, ailment or infirmity.

11 (n) Giving or receiving, or aiding or abetting the giving or receiving
12 of, rebates, either directly or indirectly.

13 (o) Knowingly making any false or fraudulent statement, written or
14 oral, in connection with the practice of naturopathic medicine or any
15 naturopathic treatment method.

16 (p) Immorality or misconduct that tends to discredit the naturopathic
17 profession.

18 (q) Refusal, revocation or suspension of a license by any other state,
19 district or territory of the United States or any other country, unless it
20 can be shown that this action was not due to reasons that relate to the
21 ability to safely and skillfully practice as a doctor of naturopathic
22 medicine or to any act of unprofessional conduct in this paragraph.

23 (r) Any conduct or practice that is contrary to recognized standards
24 of ethics of the naturopathic profession, any conduct or practice that does
25 or might constitute a danger to the health, welfare or safety of the patient
26 or the public, or any conduct, practice or condition that does or might
27 impair the ability to safely and skillfully practice as a doctor of
28 naturopathic medicine.

29 (s) Failure to observe any federal, state, county or municipal law
30 relating to public health as a physician in this state.

31 (t) Violating or attempting to violate, directly or indirectly, or
32 assisting in or abetting the violation of, or conspiring to violate ~~any of~~
33 ~~the provisions of this chapter or board rules.~~

34 (u) False, fraudulent, deceptive or misleading advertising or
35 advertising the quality of a medical or health care service by a physician or
36 by the physician's staff, employer or representative.

37 (v) Failing or refusing to maintain adequate medical records on a
38 patient or failing or refusing to make medical records in the physician's
39 possession promptly available to another physician or health care provider
40 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on
41 request and receipt of proper authorization to do so from the patient, a
42 minor patient's parent, the patient's legal guardian or the patient's
43 authorized representative or failing to comply with title 12, chapter 13,
44 article 7.1.

1 (w) Referring a patient to a diagnostic or treatment facility or
2 prescribing goods and services without disclosing in writing to the patient
3 that the physician has a pecuniary interest in the facility, goods or
4 services to which the patient is referred or prescribed. This subdivision
5 does not apply to a referral by one physician or practitioner to another
6 physician or practitioner within a group of physicians or practitioners
7 practicing together.

8 (x) Sexual intimacies with a patient in the course of direct
9 treatment.

10 (y) Failing to dispense drugs and devices in compliance with article 4
11 of this chapter.

12 (z) Administering, dispensing or prescribing any drug or a device for
13 other than an accepted therapeutic purpose.

14 (aa) Falsely representing or holding oneself out as being a specialist
15 or representation by a doctor of naturopathic medicine or the doctor's staff,
16 employer or representative that the doctor is boarded or board certified if
17 this is not true or that standing is not current.

18 (bb) Delegating professional duties and responsibilities to a person
19 if the person has not been approved or qualified by licensure or by
20 certification to perform these duties or responsibilities.

21 (cc) Failing to appropriately supervise a naturopathic medical
22 student, a nurse, a medical assistant, a health care provider or a technician
23 employed by or assigned to the physician during the performance of delegated
24 professional duties and responsibilities.

25 (dd) Using experimental forms of diagnosis or treatment without
26 adequate informed consent of the patient or the patient's legal guardian and
27 without conforming to experimental criteria including protocols, detailed
28 records, periodic analysis of results and periodic review by a medical peer
29 review committee as approved by the federal food and drug administration or
30 its successor agency.

31 (ee) Failing to furnish information in a timely manner to the board or
32 investigators or representatives of the board if this information is legally
33 requested by the board and failing to allow properly authorized board
34 personnel on demand to examine and have access to documents, reports and
35 records maintained by the physician that relate to the physician's medical
36 practice or medically related activities.

37 (ff) Failing to report in writing to the board evidence that a person
38 licensed, certified or registered pursuant to this chapter is or may be
39 medically incompetent, guilty of unprofessional conduct or mentally or
40 physically unable to safely practice or assist in the practice of
41 naturopathic medicine.

42 (gg) Conducting or engaging in an internship, preceptorship or
43 clinical training program in naturopathic medicine without being approved and
44 registered by the board for that internship, preceptorship or clinical
45 training program.

- 1 (hh) Signing a blank, undated or predated prescription form.
- 2 (ii) Conduct that the board determines is gross negligence, repeated
3 negligence or negligence resulting in harm or death to a patient.
- 4 (jj) Knowingly making a false or misleading statement in oral
5 testimony to the board on a form required by the board or in written
6 correspondence to the board, including attachments to that correspondence.
- 7 (kk) The failure of a physician who is the chief medical officer, the
8 executive officer or the chief of staff of an internship, a preceptorship or
9 a clinical training program to report in writing to the board that the
10 privileges of a doctor of naturopathic medicine, a naturopathic medical
11 student or a medical assistant have been denied, limited, revoked or
12 suspended because that doctor's, student's or assistant's actions appear to
13 indicate that the person is or may be medically incompetent, is or may be
14 guilty of unprofessional conduct or is or may be unable to safely engage or
15 assist in the practice of naturopathic medicine.
- 16 (ll) Action taken against a doctor of naturopathic medicine by a
17 licensing or regulatory board in another jurisdiction due to that doctor's
18 mental or physical inability to engage safely in the practice of naturopathic
19 medicine, the doctor's medical incompetence or for unprofessional conduct as
20 defined by that licensing or regulatory board and that corresponds directly
21 or indirectly to an act of unprofessional conduct prescribed by this
22 paragraph. The action taken may include refusing, denying, revoking or
23 suspending a license, otherwise limiting, restricting or monitoring a
24 licensee or placing a licensee on probation by that licensing or regulatory
25 board.
- 26 (mm) Sanctions imposed by an agency of the federal government,
27 including restricting, suspending, limiting or removing a person from the
28 practice of naturopathic medicine or restricting that person's ability to
29 obtain financial remuneration.
- 30 (nn) Violating any formal order, probation, consent agreement or
31 stipulation issued or entered into by the board pursuant to this chapter.
- 32 (oo) Refusing to submit to a body fluid examination pursuant to a
33 board investigation of alleged substance abuse by a doctor of naturopathic
34 medicine.
- 35 (pp) Charging a fee for services not rendered or dividing a
36 professional fee for patient referrals among health care providers or health
37 care institutions or between these providers and institutions or a
38 contractual arrangement that has this effect.
- 39 (qq) Obtaining a fee by fraud, deceit or misrepresentation.
- 40 (rr) Charging or collecting a clearly excessive fee. In determining
41 if a fee is clearly excessive the board shall consider the fee or range of
42 fees customarily charged in this state for similar services, in light of
43 modifying factors such as the time required, the complexity of the service
44 and the skill required to perform the service properly. This subdivision
45 does not apply if there is a clear written contract for a fixed fee between

1 the physician and the patient that was entered into before the service was
2 provided.

3 (ss) With the exception of heavy metal poisoning, using chelation
4 therapy in the treatment of arteriosclerosis or as any other form of therapy
5 without adequate informed patient consent and without conforming to generally
6 accepted experimental criteria, including protocols, detailed records,
7 periodic analysis of results and periodic review by a medical peer review
8 committee.

9 (tt) Using a controlled substance unless it is prescribed by another
10 physician for use during a prescribed course of treatment.

11 (uu) Prescribing, dispensing or administering anabolic androgenic
12 steroids for other than therapeutic purposes.

13 (vv) Except in an emergency or urgent care situation, prescribing or
14 dispensing a controlled substance to a member of the naturopathic physician's
15 immediate family.

16 (ww) Prescribing, dispensing or furnishing a prescription medication
17 or a prescription-only device as defined in section 32-1901 to a person
18 unless the licensee first conducts a physical examination of that person or
19 has previously established a doctor-patient relationship. This subdivision
20 does not apply to:

21 (i) A licensee who provides temporary patient supervision on behalf of
22 the patient's regular treating licensed health care professional.

23 (ii) An emergency medical situation as defined in section 41-1831.

24 (iii) Prescriptions written to prepare a patient for a medical
25 examination.

26 (iv) Prescriptions written or prescription medications issued for use
27 by a county or tribal public health department for immunization programs or
28 emergency treatment or in response to an infectious disease investigation, a
29 public health emergency, an infectious disease outbreak or an act of
30 bioterrorism. For the purposes of this item, "bioterrorism" has the same
31 meaning prescribed in section 36-781.

32 (xx) IF MEDICAL TREATMENT IS CONSIDERED EXPERIMENTAL OR
33 INVESTIGATIONAL, FAILING TO INCLUDE IN A PATIENT'S RECORD A CONSENT TO
34 TREATMENT DOCUMENT THAT IS SIGNED BY THE PATIENT OR THE PATIENT'S PARENT OR
35 LEGAL GUARDIAN AND THAT INDICATES THAT THE PATIENT OR THE PATIENT'S PARENT OR
36 LEGAL GUARDIAN HAS BEEN INFORMED OF THE RISK OF ANY TREATMENT TO BE PROVIDED
37 AND THE EXPECTED COST OF THAT TREATMENT.

38 Sec. 3. Section 32-1502, Arizona Revised Statutes, is amended to read:

39 32-1502. Naturopathic physicians medical board; appointment;
40 qualifications; term of office; immunity

41 A. ~~There~~ THE NATUROPATHIC PHYSICIANS MEDICAL BOARD is established
42 ~~a naturopathic physicians board of medical examiners~~ consisting of the
43 following members:

44 1. Four physician members appointed by the governor. Each physician
45 member shall be:

1 (a) A resident of this state for at least five years immediately
2 preceding the appointment.

3 (b) A doctor of naturopathic medicine with a degree from a
4 naturopathic school or college approved by the board who has engaged in
5 full-time practice of naturopathic medicine for at least five years
6 immediately preceding the appointment.

7 2. Three public members appointed by the governor. Each public member
8 shall:

9 (a) Be a resident of this state for at least five years immediately
10 preceding the appointment.

11 (b) Not be connected, in any manner, with or have any interest in a
12 school of medicine, health care institution or any person practicing any form
13 of healing or treatment of bodily or mental ailments.

14 (c) Demonstrate an interest in the health problems in this state.

15 B. The terms of office of the physician members and the public members
16 are five years to begin and end on June 30. Each physician member and each
17 public member continue to hold office until the appointment and qualification
18 of their successors, subject to the following exceptions:

19 1. A member of the board may be removed from office if the governor
20 finds the member was guilty of malfeasance, misfeasance or dishonorable
21 conduct.

22 2. The term of any member automatically ends on resignation, permanent
23 removal from this state or removal from this state for a period of more than
24 six months.

25 C. There shall be no monetary liability on the part of and no cause of
26 action shall arise against the members of the board, the secretary-treasurer
27 or permanent or temporary personnel of the board for any act done or
28 proceeding undertaken or performed in good faith and in furtherance of the
29 purposes of this chapter.

30 Sec. 4. Section 32-1505, Arizona Revised Statutes, is amended to read:
31 32-1505. Naturopathic physicians medical board fund

32 A. THE NATUROPATHIC PHYSICIANS MEDICAL BOARD FUND IS ESTABLISHED. THE
33 BOARD SHALL ADMINISTER THE FUND. Pursuant to sections 35-146 and 35-147, the
34 board shall deposit ten per cent of all monies from whatever source ~~which~~
35 THAT come into the possession of the board in the STATE general fund and
36 deposit the remaining ninety per cent in the naturopathic physicians MEDICAL
37 board of ~~medical examiners~~ fund.

38 B. The board shall establish a separate account in the fund for monies
39 transferred to the fund pursuant to section 32-4205.

40 C. Monies deposited in the naturopathic physicians MEDICAL board of
41 ~~medical examiners~~ fund are subject to section 35-143.01.

42 Sec. 5. Section 32-1507, Arizona Revised Statutes, is amended to read:
43 32-1507. Change in status; assessment of costs

44 A. Each person who holds a license or certificate pursuant to this
45 chapter shall inform the board in writing, within thirty days, of any change

1 in status of that person's initial application including any change of name,
2 residence, practice address and telephone number and of each subsequent
3 change of status. A licensee's or a certificate holder's residential address
4 and residential telephone number or numbers are not available to the public
5 unless they are the only address and numbers of record.

6 B. The board may assess the costs incurred by the board in locating a
7 person who is licensed or certified pursuant to this chapter to that person.

8 C. The board shall deposit, pursuant to sections 35-146 and 35-147,
9 monies collected pursuant to this section in the naturopathic physicians
10 MEDICAL board of ~~medical examiners~~ fund.

11 Sec. 6. Section 32-1522.01, Arizona Revised Statutes, is amended to
12 read:

13 32-1522.01. Temporary licenses; duration of license

14 A. The executive director may issue a temporary license to any
15 applicant who is seeking licensure ~~through endorsement~~, whose application is
16 complete and who has applied in writing for a temporary license. The
17 executive director may issue a temporary license to an applicant only once.

18 B. A temporary license issued pursuant to this section is effective
19 from the date that the application is approved until the last day of the
20 month in which the board meets to consider the application for licensure.

21 C. A temporary license shall not be extended, renewed, reissued or
22 allowed to continue in effect beyond the period authorized by this section.

23 Sec. 7. Section 32-1523, Arizona Revised Statutes, is amended to read:

24 32-1523. Qualifications for license to practice by endorsement

25 To be eligible for a license to practice naturopathic medicine pursuant
26 to this chapter by endorsement, the applicant shall:

27 1. Qualify under section 32-1522 ~~except for taking the written~~
28 ~~examination provided for in section 32-1525.~~

29 2. Be licensed to practice as a doctor of naturopathic medicine by
30 EITHER:

31 (a) Another state, district or territory of the United States. ~~or~~

32 (b) Another country ~~which~~ THAT requires a written examination ~~which~~
33 THAT is substantially equivalent to the written examination provided for in
34 section 32-1525.

35 3. Be actively engaged, for at least three years immediately
36 preceding the application, in one or more of the following:

37 (a) Active practice as a doctor of naturopathic medicine.

38 (b) An approved internship, preceptorship or clinical training program
39 in naturopathic medicine.

40 (c) An approved postdoctoral training program in naturopathic
41 medicine.

42 (d) The resident study of naturopathic medicine at an approved school
43 of naturopathic medicine.

44 4. Pass the examination provided for in section 32-1525.

1 Sec. 8. Section 32-1525, Arizona Revised Statutes, is amended to read:

2 32-1525. Examinations

3 A. The board shall use the naturopathic physicians licensing
4 examination conducted by the North American board of naturopathic examiners,
5 or its successor agency, for the examinations required under sections 32-1522
6 and 32-1523. The board may administer its own examination only for those
7 areas that are determined by the board to be necessary for the safe practice
8 of naturopathic medicine and not covered on the naturopathic physicians
9 licensing examination. The board must accept the grade issued by the North
10 American board of naturopathic examiners without adjustment. A board member
11 or staff member shall not have any financial interest in the North American
12 board of naturopathic examiners or the naturopathic physicians licensing
13 examination.

14 B. The examination required for a license under section 32-1522 shall
15 include the following subjects:

16 1. The basic medical science subjects of anatomy, basic pharmacology
17 and toxicology, biochemistry, microbiology and immunology, physiology,
18 pathology and naturopathic jurisprudence.

19 2. The clinical medical science subjects of dermatology, ophthalmology
20 and otolaryngology, geriatrics, infectious diseases, neurology and
21 psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical
22 medicine and rehabilitation.

23 3. The clinical competency medical subjects of emergency medicine and
24 minor surgery, clinical pharmacology, pharmacotherapeutics, internal
25 medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition,
26 botanicals and diet therapy.

27 4. For all persons applying for a license by endorsement who were
28 licensed in another state or a Canadian province before January 1, 2005, an
29 additional sixty hour course and examination in pharmacotherapeutics.

30 C. The examination required for a license by endorsement under section
31 32-1523 shall ~~consist of~~ INCLUDE an examination in Arizona naturopathic
32 jurisprudence that is administered by the board.

33 D. Examinations for licensure under this chapter shall:

34 1. Be practical in character and consist of multiple choice and true
35 and false questions.

36 2. Be designed to ascertain the applicant's knowledge of naturopathic
37 medicine and the applicant's ability to practice naturopathic medicine.

38 3. Include examination questions that are generally accepted as
39 necessary for a competent knowledge of the practice of naturopathic medicine.

40 E. The board by rule shall prescribe any subjects on which the
41 applicant must be tested in addition to those required by this section. The
42 board may prescribe rules for conducting its own examinations.

43 F. An applicant shall obtain a ~~scaled grade average of seventy-five~~
44 ~~per cent or more~~ PASSING SCORE on the national examination with ~~no single~~
45 ~~grade less than seventy per cent~~ and shall obtain a grade of seventy-five per

1 cent or more in each subject administered by the board that is not covered on
2 the national examination.

3 G. An applicant may challenge the applicant's grade on an examination
4 conducted by the board by submitting a written request to the board within
5 sixty days of receiving the grade. If the board upholds the applicant's
6 challenge, it may change, within one hundred twenty days of the challenge,
7 the grade on the examination on the vote of a majority of the full board.

8 H. An applicant for examination shall take and complete all of the
9 examinations required by this section within a five year period. Each time
10 an applicant files a request with the board to retake any part of an
11 examination, the applicant shall pay the examination fee pursuant to section
12 32-1527.

13 I. All examination materials and records of examination grading are
14 confidential and are not public records.

15 Sec. 9. Section 32-1555, Arizona Revised Statutes, is amended to read:
16 32-1555. Unlawful acts; investigations

17 A. It is unlawful for any person:

18 1. To practice, attempt to practice or claim to practice as a doctor
19 of naturopathic medicine or any branch of naturopathic medicine without
20 complying with this chapter.

21 2. Not licensed under this chapter to use the designation "doctor of
22 naturopathic medicine", or the abbreviation "N.M.D.", "doctor of
23 naturopathy", or the abbreviation "N.D.", or "naturopathic physician" or to
24 use any other words, initials, symbols or combination thereof which OF THESE
25 THAT would lead the public to believe that person is licensed to practice
26 naturopathic medicine.

27 3. To sell or fraudulently obtain or furnish any naturopathic degree
28 or diploma.

29 4. To operate a school, college or educational institution granting a
30 degree, diploma or certificate in the practice of naturopathic medicine
31 unless it has been approved by the board.

32 5. To represent that a school, college or educational institution
33 granting a degree, diploma or certificate in naturopathic medicine is
34 approved by the board if the school, college or educational institution has
35 not been approved by the board.

36 6. To secure or attempt to secure a license, certificate or
37 registration under this chapter by fraud or deceit.

38 7. To work as a naturopathic medical assistant except under the direct
39 supervision of a doctor of naturopathic medicine licensed pursuant to this
40 chapter.

41 8. To use the title "medical assistant" or a related abbreviation
42 unless the person is working as a medical assistant under the direct
43 supervision of a doctor of naturopathic medicine.

1 9. To conduct or engage in an internship, a preceptorship or a
2 clinical training program or a postdoctoral training program in naturopathic
3 medicine unless the internship, preceptorship, clinical training program or
4 postdoctoral training program is approved by the board.

5 10. To use the title "naturopathic student physician", "naturopathic
6 student intern" or "naturopathic student preceptee" or a related title or
7 abbreviation while engaged in an internship or a preceptorship unless the
8 person is approved and registered by the board for the internship or the
9 preceptorship program.

10 11. To use the title "naturopathic medical student" while engaged in a
11 clinical training program unless the person is approved and registered by the
12 board for the clinical training program.

13 B. THE BOARD MAY INVESTIGATE ANY PERSON TO DETERMINE IF THAT PERSON IS
14 ENGAGED IN THE UNLAWFUL PRACTICE OF NATUROPATHIC MEDICINE. IF AN
15 INVESTIGATION INDICATES THAT A PERSON MAY BE PRACTICING NATUROPATHIC MEDICINE
16 UNLAWFULLY, THE BOARD SHALL INFORM THE PERSON OF THE ALLEGED VIOLATION. THE
17 BOARD MAY REFER THE MATTER FOR PROSECUTION REGARDLESS OF WHETHER THE PERSON
18 CEASES THE UNLAWFUL PRACTICE OF NATUROPATHIC MEDICINE.

19 Sec. 10. Section 32-1556, Arizona Revised Statutes, is amended to
20 read:

21 32-1556. Prosecution for violations

22 The county attorney of each county shall prosecute all persons charged
23 with violating section 32-1555, but the board may retain its own attorney or
24 investigators to aid in prosecuting a violator. If the board obtains
25 investigators or legal assistance to prosecute or aid in the prosecution for
26 a violation of this chapter, payment for these services shall be made from
27 the naturopathic physicians MEDICAL board of ~~medical examiners~~ fund.

28 Sec. 11. Section 32-1581, Arizona Revised Statutes, is amended to
29 read:

30 32-1581. Dispensing of natural substances, drugs and devices;
31 conditions; civil penalty; dispensing minerals;
32 definitions

33 A. A doctor of naturopathic medicine may dispense a natural substance,
34 drug or device to a patient for a condition being diagnosed or treated by the
35 doctor if:

36 1. The doctor is certified to dispense by the board and the
37 certificate has not been suspended or revoked by the board.

38 2. The natural substance, drug or device is dispensed and properly
39 labeled with the following dispenser information:

40 (a) The dispensing doctor's name, address and telephone number and a
41 prescription number or other method of identifying the prescription.

42 (b) The date the natural substance, drug or device is dispensed.

43 (c) The patient's name.

1 (d) The name and strength of the natural substance, drug or device,
2 directions for proper and appropriate use and any cautionary statements for
3 the natural substance, drug or device. If a generic drug is dispensed the
4 manufacturer's name must be included.

5 3. The dispensing doctor enters into the patient's medical record the
6 name and strength of the natural substance, drug or device dispensed, the
7 date the natural substance, drug or device is dispensed and the therapeutic
8 reason.

9 4. The dispensing doctor keeps all prescription-only drugs, controlled
10 substances and prescription-only devices in a secured cabinet or room,
11 controls access to the cabinet or room by a written procedure and maintains
12 an ongoing inventory of its contents.

13 B. Except in an emergency, a doctor of naturopathic medicine who
14 dispenses a natural substance, drug or device without being certified to
15 dispense by the board is subject to a civil penalty by the board of not less
16 than three hundred dollars and not more than one thousand dollars for each
17 transaction and may be prohibited from further dispensing for a period of
18 time as determined by the board.

19 C. Before dispensing a natural substance, drug or device pursuant to
20 this section, the treating doctor shall give the patient or the patient's
21 legal guardian a written prescription and must inform the patient or the
22 patient's legal guardian that the prescription may be filled by the
23 prescribing doctor or the pharmacy of the patient's choice. If the patient
24 chooses to have the medication dispensed by the doctor, the doctor must
25 retrieve the written prescription and place it in a prescription file kept by
26 the doctor.

27 D. A doctor of naturopathic medicine shall provide direct supervision
28 of a nurse or attendant involved in the dispensing process. ~~IN~~ FOR THE
29 PURPOSES OF this subsection, "direct supervision" means that a doctor of
30 naturopathic medicine is present and makes the determination as to the
31 necessary use or the advisability of the natural substance, drug or device to
32 be dispensed.

33 E. The board shall enforce this section. The board shall adopt rules
34 regarding the dispensing of a natural substance, drug or device including the
35 labeling, record keeping, storage and packaging of natural substances that
36 are consistent with the requirements of chapter 18 of this title. The board
37 may conduct periodic inspections of dispensing practices to assure compliance
38 with this section and applicable rules.

39 F. This section does not prevent a licensed practical or professional
40 nurse employed by a doctor of naturopathic medicine from assisting in the
41 delivery of natural substances, drugs and devices in accordance with this
42 chapter.

1 G. Before prescribing or dispensing a mineral to a patient, the
2 treating physician shall perform necessary clinical examinations and
3 laboratory tests to prevent toxicity due to the excessive intake of
4 magnesium, calcium and other minerals. The board shall adopt rules necessary
5 for the safe administration of minerals. These rules shall require prior
6 certification of a physician who prescribes or dispenses minerals to a
7 patient.

8 H. For the purposes of this section:

9 1. "Device" means an appliance, apparatus or instrument administered
10 or dispensed to a patient by a doctor of naturopathic medicine.

11 2. "Dispense" means the delivery by a doctor of naturopathic medicine
12 of a natural substance, drug or device to a patient and only for a condition
13 being diagnosed or treated by that doctor, except for free samples packaged
14 for individual use by licensed manufacturers or repackagers, and includes the
15 prescribing, administering, packaging, labeling and security necessary to
16 prepare and safeguard the natural substance, drug or device for delivery to
17 the treating doctor's own patient.

18 ~~3. "Natural substance" means a homeopathic, botanical or nutritional~~
19 ~~supplement that does not require a prescription by federal law before it is~~
20 ~~dispensed, but is prescribed to treat a medical condition diagnosed by the~~
21 ~~doctor.~~

22 Sec. 12. Section 32-4204, Arizona Revised Statutes, is amended to
23 read:

24 32-4204. Executive director; personnel

25 A. The executive director of the naturopathic physicians MEDICAL board
26 ~~of medical examiners~~ shall also serve as the executive director of the board
27 of massage therapy.

28 B. The staff of the naturopathic physicians MEDICAL board ~~of medical~~
29 ~~examiners~~ shall carry out the administrative responsibilities of the board of
30 massage therapy.

31 Sec. 13. Section 32-4205, Arizona Revised Statutes, is amended to
32 read:

33 32-4205. Deposit and use of monies received by board

34 A. Except as provided in section 32-4254, subsection L and section
35 32-4255, subsection E, the board shall deposit, pursuant to sections 35-146
36 and 35-147, ten per cent of all monies collected pursuant to this chapter in
37 the state general fund and deposit the remaining ninety per cent of the
38 monies in a separate account established for the board of massage therapy in
39 the naturopathic physicians MEDICAL board ~~of medical examiners~~ fund
40 established by section 32-1505.

41 B. The board may spend monies deposited in the separate account
42 established for the board and deposited in the naturopathic physicians
43 MEDICAL board ~~of medical examiners~~ fund pursuant to section 32-1505.

1 Sec. 14. Section 41-1092, Arizona Revised Statutes, is amended to
2 read:

3 41-1092. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Administrative law judge" means an individual or an agency head,
6 board or commission that sits as an administrative law judge, that conducts
7 administrative hearings in a contested case or an appealable agency action
8 and that makes decisions regarding the contested case or appealable agency
9 action.

10 2. "Administrative law judge decision" means the findings of fact,
11 conclusions of law and recommendations or decisions issued by an
12 administrative law judge.

13 3. "Appealable agency action" means an action that determines the
14 legal rights, duties or privileges of a party and that is not a contested
15 case. Appealable agency actions do not include interim orders by
16 self-supporting regulatory boards or rules, orders, standards or statements
17 of policy of general application issued by an administrative agency to
18 implement, interpret or make specific the legislation enforced or
19 administered by it, nor does it mean or include rules concerning the internal
20 management of the agency that do not affect private rights or interests. For
21 the purposes of this paragraph, administrative hearing does not include a
22 public hearing held for the purpose of receiving public comment on a proposed
23 agency action.

24 4. "Director" means the director of the office of administrative
25 hearings.

26 5. "Final administrative decision" means a decision by an agency that
27 is subject to judicial review pursuant to title 12, chapter 7, article 6.

28 6. "Office" means the office of administrative hearings.

29 7. "Self-supporting regulatory board" means any one of the following:

30 (a) The ARIZONA state board of accountancy.

31 (b) The state board of appraisal.

32 (c) The board of barbers.

33 (d) The board of behavioral health examiners.

34 (e) The Arizona state boxing commission.

35 (f) The state board of chiropractic examiners.

36 (g) The board of cosmetology.

37 (h) The state board of dental examiners.

38 (i) The state board of funeral directors and embalmers.

39 (j) The Arizona game and fish commission.

40 (k) The board of homeopathic medical examiners.

41 (l) The Arizona medical board.

42 (m) The naturopathic physicians MEDICAL board of ~~medical~~ examiners.

43 (n) The state board of nursing.

44 (o) The board of examiners of nursing care institution administrators
45 and adult care home managers.

- 1 (p) The board of occupational therapy examiners.
2 (q) The state board of dispensing opticians.
3 (r) The state board of optometry.
4 (s) The Arizona board of osteopathic examiners in medicine and
5 surgery.
6 (t) The Arizona peace officer standards and training board.
7 (u) The Arizona state board of pharmacy.
8 (v) The board of physical therapy examiners.
9 (w) The state board of podiatry examiners.
10 (x) The state board for private postsecondary education.
11 (y) The state board of psychologist examiners.
12 (z) The board of respiratory care examiners.
13 (aa) The structural pest control commission.
14 (bb) The state board of technical registration.
15 (cc) The Arizona state veterinary medical examining board.
16 (dd) The acupuncture board of examiners.
17 (ee) The Arizona regulatory board of physician assistants.
18 (ff) The board of athletic training.
19 (gg) The board of massage therapy.
20 Sec. 15. Section 41-3015.04, Arizona Revised Statutes, is amended to
21 read:
22 41-3015.04. Naturopathic physicians medical board; termination
23 July 1, 2015
24 A. The naturopathic physicians MEDICAL board of ~~medical~~ examiners
25 terminates on July 1, 2015.
26 B. Title 32, chapter 14 is repealed on January 1, 2016.

APPROVED BY THE GOVERNOR APRIL 4, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2008.

Passed the House April 1, 20 08,

by the following vote: 48 Ayes,

10 Nays, 2 Not Voting



Speaker of the House



Chief Clerk of the House

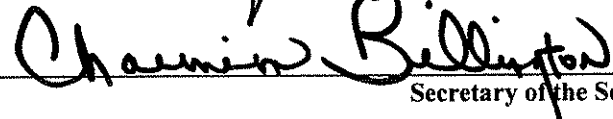
Passed the Senate March 10, 20 08,

by the following vote: 24 Ayes,

1 Nays, 5 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2nd day of April, 20 08,

at 2:01 o'clock P. M.

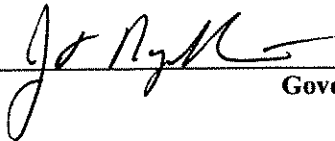


Secretary to the Governor

Approved this 4 day of

April, 20 08,

at 8:45 o'clock A. M.



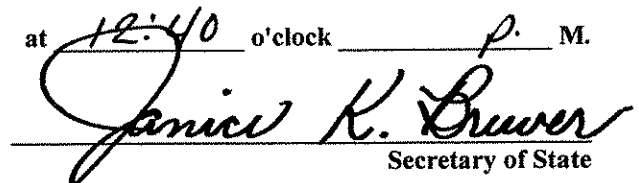
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of April, 20 08,

at 12:40 o'clock P. M.



Secretary of State

S.B. 1134